

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VLADIMIR GERSHANOK,

Plaintiff,

v.

No. 14-cv-0386 SCY/SMV

**METRO. PROP. & CAS. INS. CO. and
SILAS T. GARCIA AGENCY & ASSOCS., LLC,**

Defendants.

**ORDER VACATING INITIAL SCHEDULING ORDER
PENDING RESOLUTION OF JURISDICTIONAL ISSUES**

THIS MATTER is before the Court on the reassignment of the case to the undersigned. *See* [Doc. 15]. This case was originally filed in state court on March 3, 2014. [Doc. 1-4] at 2–26. Defendant Metropolitan Property and Casualty Insurance Company (“MetLife”) removed the case on April 25, 2014. [Doc. 1]. In its Notice of Removal, MetLife alleges that Defendant Silas T. Garcia Agency & Associates, LLC (“Garcia Agency”), was fraudulently joined. [Doc. 1] at 4. Accordingly, MetLife argues that the Court should disregard the citizenship of the members of the Garcia Agency for purposes of determining diversity jurisdiction. *Id.* Until the fraudulent joinder question is resolved, it is unclear whether this Court has subject matter jurisdiction to hear this case.

IT IS THEREFORE ORDERED that the Initial Scheduling Order [Doc. 9] is **VACATED**. Once the issues of fraudulent joinder and subject matter jurisdiction are resolved by the presiding judge, the Court will issue another Initial Scheduling Order.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge